

App. F. IX-4

Previous References
no 82-37(15, 16, 20 to 22)

1938.
(Law)

File No. 130830

Serial Nos. 1-7.

Other References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Seven only

(80)

Part B for

June 1939

SUBJECT.

Prosecution of Mr. T. Subramanya, Advocate, Tumkur for an offence under Section 124-A of the I. P. C. and remuneration of Rs. 50/- to the Public Prosecutor, Bangalore Division, for his services in the case D.C. No. 3/38-39 in the file of the District Magistrate, Tumkur District.

8(7) To The D. M., Tumkur; The P. R., Blr and The Comptroller

WD 0295-GPB-22,500-18-8-37

No. p 6310-12 of 2.6.3

Sanctioned a fee of Rs. 50/- to the Public Prosecutor Bangalore

Mirza Nazeeer Khan
21/6/39.

File No.
Law

130

of 1938.

[App. F. III—2

Serial
No.

1) The following statements in the speech of Mr. T. Subramanya of Tumkur are prima facie seditious:-

Government seems to have gone mad. x

There cannot be greater dunces if they think so.

We must put an end to this Government. x x

You must see that the Government is not in any way respected. x x x The time has come for the Government to die. x x We must face this Government. We must end it. x x

The speech is highly inflammatory, violent and intended to bring the Government into contempt. There is material for a case under Sec. 124 A of the I.P.C.

Draft G.O. is put up for consideration.

Chng Sec)

*Dewan
2nd member }*

*cey 4/35
2) MS
18.4.39*

*3) app
MS
18.4.39*

*4) 18.4 MS
18/4*

*5) issue
MS*

Case against Mr. T. Subramanya, Advocate,
Trinkur, for an offence under
Sec: 124-A I.P.C.

6606
File No.
P

of 1938

General and Revenue
Secretariat

130

From ---

Dist. Magr

Trinkur

Letter no. T.C. 291/38-39, dated 22nd April '39.

States that the Dist. Supt. of Police, Trinkur
has placed a charge-sheet against Mr.
T. Subramanya, Advocate, Trinkur for an
offence under Sec: 124-A I.P.C. and that
requests sanction of Govt. to engage the
services of the P. A. Blore to conduct the
prosecution on behalf of Govt. on 27-4-39
the date to which it is posted for hearing.
1) P. V. D. I and II are submitted
for perusal.

The Court in which the case has
been instituted has not been mentioned.

A draft G.O. sanctioning is put
up for approval or other orders

Adolf Secy)

7) by
M. 4

8) Mr. M. S. S. & S. S. S.

to 1st Member for perusal

Hg. date

27-4-39

Serial
No.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

Bangalore City, ... 28th April, 1939.

Confidential.

OM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
PUBLIC PROSECUTOR,

BANGALORE DIVISION, BANGALORE CITY.

The Additional Secretary to the Govt. of Mysore.
Bangalore.

Government. Vs. T. Subramanyam.

I have the honour to state that in this case according to the order in G.O. 5576-78/Law 130-38 -2 dated 19-4-1939 was consulted by the District Superintendent of Police, Tumkur on the 21st afternoon at 1 P.M. or thereabouts.

I received an order to conduct the prosecution P.No. 660-3 -law 130-38-4 dated 25-4-39 on the 25th evening. I learnt that the case was for the 27th instant and since I did not like to move for an adjournment in an important case I went to Tumkur and conducted the case yesterday and examined seven witnesses.

Since some more witness had to be examined and since

No. 167

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore City, 1st May, 1939. 193

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,

Public Prosecutor,

Bangalore Division, Bangalore City

OFFICE OF THE
PUBLIC PROSECUTOR

MAY 3 1939

86 28

TO

The Additional Secretary to the Govt. of H.H. The Maharaja of
Mysore, Bangalore city.

SIR,

Govt vs T. Subramanyam

I have the honour to state that this case was taken up ^{2-4 May} ~~yesterday~~ by the District Magistrate, Tumkur who examined about 10 witnesses for the Prosecution. The accused defended himself. After this evidence was let in, I requested the Honourable Court to kindly examine the accused and to frame a charge as a prima facie case had been made out. The learned Magistrate examined the accused and adjourned the proceedings to 2-5-1939.

Further progress will be reported in due course.

I have the honour to be,

S i r,

Your most obedient servant,

13(a) For perusal
BKR
2/5

holsey)

18/5/39

C 2/5
BKR
3/5

G. S. Doraswamy Iyer

Public Prosecutor,

Bangalore Dvn, Bangalore.

13(b)

nu
4/5/39

BKR
4/5

6768 U 678.0
(Govt vs T. Subramanyam)

General and Revenue
Secretariat

File No. 130 of 1938

[App. F. III-2]

Serial
No.

From
The P. F
B'lore

Letter no. 171, dated 1-5-39
Requests in the circumstance stated,
that a Special fee may be sanctioned
for his services in the case.

P. V. D. is for perusal.

14) In para 4 of his letter the P. P. says
that on a similar occasion when
another advocate was deputed as Special
P. P. to prosecute the same person a
fee of Rs. 40/- per day was sanctioned.
He requests that a Special fee may be
sanctioned to him for ^{his} services in the
present case.

15) Lacs 82-37 Slr. 15-22 is put up
which relates to the appointment of
Mr. H. Sreenivasa Murthy, Advocate, B'lore
as Special P. P. to conduct the prosecution
against Mr. T. Subramanyam which was
launched sometime back for the same
offence, namely 124-A.P.C.. A daily
fee of Rs. 40/- was sanctioned to him.

16) Whether the ~~case~~ P. P. may be

V T Subramany,

General and Revenue
Secretariat.

File No.

130

of 1938.

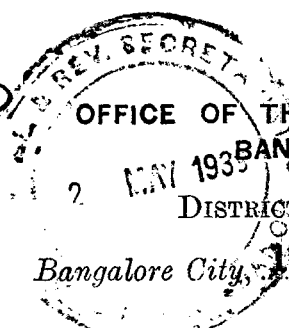
Serial
No.

for orders. [The case ^{seems to} have been
disposed of.]

17) The bill from the P.H.
member awaited

No. 172
Enc.

6768/P



(18)

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.
DISTRICT OFFICE BUILDINGS,
Bangalore City, 2 MAY 1939.

FROM

176
MR
2.5

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore City.

To

The Additional Secretary to the Government of Mysore,
SIR, Bangalore.

I respectfully crave leave to bring to the notice of Government that when I had just closed the work for the last term, I received an order to prosecute an important case of Sedition against one Dr. Subramaniam of Tumkur.

Throughout the whole of last year as in previous years every day I have had to attend to at least ten cases pertaining to Government and except for one solitary day I have been attending to Government work and not taken a single holiday.

Since however an order was received to conduct an important case I did not avail myself of the usual annual vacation even and went to Tumkur and have practically closed a case in two days.

On a similar occasion when another advocate was deputed as Special Public Prosecutor to prosecute the same gentleman I learn that Government was pleased to sanction a fee of Rs. 40/- per day.

May I respectfully crave the indulgence of Government and request them to sanction a Special fee for this case.

For which act of kindness I will for ever pray etc

I have the honour to be,
Sir,
Your most obedient servant,

G. S. Doraswamy Iyer
Public Prosecutor,
Bangalore Div. Bangalore.

No. 41 P.

Enc:

Confidential.

FROM

TO

G. S. DORASWAMY IYER, Esq., B.A., B.L.,

Public Prosecutor,

Bangalore Division, Bangalore City.

The Additional Secretary to the Government of Mysore,
Bangalore.

SIR,

Government. Vs. Tumkur Subramanyam.

I have the honour to state that this case was closed yesterday and the learned Magistrate has reserved the case for judgement and posted it to the 5th instant on which date he has been gracious enough to permit me to be absent.

Although the Deputy Commissioner, specially requisitioned for my service-s and although the accused pleaded not guilty and raised several objections and contentions mainly resting upon the distinction between Section 124 A, and the Explanations 2 and 3 attached to that section which are ^{very} ~~being~~ subtle and have been the subject matter of decisions of numerous High Courts and learned Judges, the District Magistrate, Tumkur did not want me to argue the points at length.

It was submitted on behalf of the Prosecution that under Section 256 Cr.P.C. that there should be sufficient time given to the accused to consider whether he wished to cross examine any or all the PWS and to think out his line of defence, after the charge was framed and read out to him, but the learned Magistrate thought that it was not necessary under the circumstances of the case and that he would record his reasons in writing for thinking fit forthwith to ask the accused whether he wished to cross examine any of the P.Ws. already examined in the case.

Some other speeches, seditious in nature were put in by the Prosecution to prove the intention of the accused as contemplated in Section 14 and 15 and in accordance with the decisions in Spratt's Case, 30 Bom L.R. 315 and Chidambaram Pillai' case 32 M. and 19 C 35, 26 Cr. L.J. 304, 35 Cal 141, 22 B 112, 20 A 55.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION 1939

315/38 DISTRICT OFFICE BUILDINGS,

Bangalore City, 31st May, 1939

OFFICE OF THE

FIRST MEMBER OF THE

MAY 4 1939

No. 8662

5 MAY 1939

8140

The learned Judge opined that the speeches must under section 14 and 15 be proximate in time and it was contended on behalf of the Prosecution that the time must only be reasonably proximate and that our High Court has followed the Decision of Lord Ellen-Borough in 1804 2 Leach C.C. 983 and 16B 414 wherein it has been said that " True it is that the more detached the previous utterings are in point of time the less relation they will bear to the particular uttering stated in - dictment and when they are so distant the only question that can be made is whether they are sufficient to warrant the Jury in making any inference from them as to the guilty knowledge of the prisoners, but it would not render the evidence inadmissible

References were also sought to be made to the later decisions of Lahore and Calcutta High Courts especially of F. Forde J. in 1930 L. 360 and to the decision ~~in~~ by Tapp. J. in 1930 Lah 867 and that of Dilip Singh J. in 31 Cr.L.J. 562 etc but the learned Judge did not want the Crown Counsel to argue at length or cite case law in numbers as he probably is well aware of all the decisions.

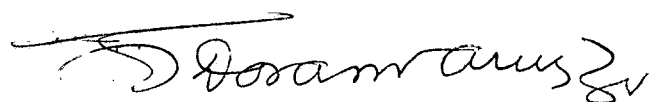
The Court Hall was fully crowded but there was no demonstration and the accused throughout the case defended himself.

I have the honour to be,

Sir,

Your most obedient servant,

*Encloses
depositions
of the witnesses
in the case
& the accused
Statement -
S*



Public Prosecutor,
Bangalore Division, Bangalore.

No. 195-

Enc.

6892/P
OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Dated.....193

FROM

G. S. DORASWAMY IYER, ESQ., B.A., B.L.,

Public Prosecutor,

BANGALORE DIVISION,

BANGALORE CITY.

To

C Subramanya Esq
The Additional Secretary
The Government of Mysore
Bangalore

SIR,

Reference—

The Junker Sedition Case
against T. Subramanian

I have the honour to invite your kind attention to.....the above

Case and to state that the Supdt. of Police

Tunkur, informs me that the accused has been
convicted to R.D for 1 year & a fine of Rs 300

21) Submitted for perusal

I have the honour to be,

Sir,

Your most obedient servant,

G. Doraswamy

6993838
p

General and Revenue
Secretariat

Law File No. 130

of 1938.

[App. F. III—2]

Serial
No.

5

From

The D. W. Tankur District.

. D.O. no. C.C. 3/38-39 of 7.5.39.

Forwarded copy of the judgment
passed by him on 5.5.39. in the said
case no. C.C. 3/38-39. filed by the D.S.P.,
Tankur, against T. Subramanya,
Advocate, Tankur.

Submitted.

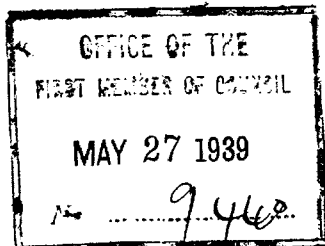
240/- B.T.K.
8/5

1 member
2 no. members
&
drawn.

240/- N.2.
9/5

240/- K.V.A.
9/5

Serial
No.



From
The P. P.
B'lore

Letter no. 1531/38-29, of 18-8-29
forwarded for sanction ~~for~~ a bill for
Rs 77/- being his remuneration for
services rendered in C.C. No. 3/38-29 in
the file of the Dist. Magt., Tumkur (Govt.
v. Subramanyam)

23) Refce paras 14 to 17 Supra.

The P. P. has sent a bill for
Rs 77/-. He has claimed Rs 25/- per day
while the fee payable ^{at} per Legal Affairs
Rules is Rs 16/- per day.

24) The bill is submitted for orders
25) When the fee payable as per Legal Affairs
24/5 Rules is Rs 16/- per day it is not clear
why the Public Prosecutor has claimed his fee
at Rs 25 per day. If the fee of Rs 40/- a day
may perhaps have been sanctioned to Mr
Srinivasa ^{Advocate} knowing as he was appointed as a
Special Public Prosecutor, and the permanent
Public Prosecutor cannot claim such concession.
This bill may have to be revised.

2
25/7-

(See entry)

26) may be raised for Rs 50

1st member)

all

27/5/39

7/26/39 Remuneration to Mr. J. B. Lane in CC 2/38-39
(Govt vs T. Subramaniam)

File No.

of 193

General and Revenue
Secretariat.

Serial
No.

Off. G.O. no put up
1/20/39
Done By

CONFIDENTIAL

CS 1902

Mr. E. V. GANAPATI IYER,

TUMKUR.

Deputy Commissioner.

Dated..... 13th April 1939

No. C.C.3/38-9

RECEIVED

686

15 APR 1939

9890

Speakers will be sanctioned further & action proposed

DEPUTY COMMISSIONER

14 APR 1939

Dear Sir,

Deewan
2 members

ms

14-4-39

ms
14/4

I enclose herewith for the information of Government copy of the proceedings of a Congress Meeting held at Tumkur on 9-4-1939 along with a copy of the letter No. S.P.220/38-39 dated 10-4-1939 received from the District Superintendent of Police, Tumkur. The speakers of the Meeting were Mr. G. Rajagopalachar and Mr. T. Subramanya, Advocates, Tumkur.

The speech of Mr. T. Subramanya is in particular highly objectionable and seditious. The important portions in the proceedings are marked in blue pencil.

Mr. Subramanya as Government are aware has in the past delivered seditious speeches. He is one of the leading congressmen whose speeches get a hearing from the public. It is also likely that in the present situation he will continue to deliver objectionable speeches which disseminate seditious matter, and it is desirable to prevent the same, by taking prompt action

2 a under the law.

5 man

144 certain

2 alone

I therefore solicit the instructions of Government as to whether action may be taken to prosecute Mr. Subramanya for an offence under Section 124-A of the I.P.C., in respect of the speech now reported, or whether action should be taken against him under Section 108 of the Cr. P.C. to bind him over to be of good behaviour against making speeches disseminating seditious matter. In the former case, a reference will be made to Government separately for obtaining sanction of Government for the prosecution, and in the latter case, the District Superintendent of Police will be instructed to take action promptly on the next

144

144

occasion on which Mr. Subramanya is likely to make such
speeches.

Yours sincerely,

William Law

Rajasevaprakashta

B.T. Kesava Iyengar, Esquire, B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

SEM.13/4.

Copy of D.O. letter No. S.P.220/38-39 dated the 10th April 1939, from the District Superintendent of Police, Tumkur District, to the Deputy Commissioner, Tumkur District.

I enclose herewith for information copies of reports regarding a congress meeting held at Tumkur on 9-4-1939 to condemn the policy of the Government in arresting Mr. H. Siddiah of Shimoga for sedition.

Messrs. T Subramanya and G. Rajagopalachar of Tumkur addressed an audience of nearly 100 persons including students, merchants and others, Mr. G. Rajagopalachar presiding on the occasion.

During his speech Mr. T. Subramanya severely criticised the attitude of the Government and stated that the present Government were dunces . that it must be removed, that it had no sense of shame or respect and the time had come for it to go.

Mr. G. Rajagopalachar also spoke on similar lines and stated that section 124-A I.P.C. which is a dead letter in the Provinces of British India, where Congress is in power, is becoming alive in the Native States. He added that the present Government in Mysore was not a peoples' Government, and that he would rather be an elected representative of the people in any office or body than be a nominated office-holder by the powers that be.

The speeches of both these gentlemen are highly seditious.

E. L. Ananth
Deputy Commissioner,
Tumkur District.

4

PROCEEDINGS of a Congress Meeting held in the premises of Town Co-operative Society, Tumkur on 9-4-1939 to condemn the action of the Government for arresting Mr. A. Siddiah of Shimoga.

Mr. G. Rajagopalachar, President of Tumkur Town Congress Committee in introducing the speakers of the evening Mr. T. Subramanya, President of the District Congress Committee, Tumkur spoke as follows.

The object of the meeting is to place before you the impression created upon the public mind by the arrest of Mr. Siddiah for sedition at Shimoga. Mr Siddiah is a lawyer of Shimoga, a noted congressman and an enthusiastic worker. He resigned his membership on the Mysore L.C. On Friday he spoke at Sagar. That speech is considered to be sedition. He is arrested and now an under trial prisoner. Mr. Siddiah before he went to jail prayed and gave us a message. That message is to carry on the non-violent fight for responsible government. After arrest he thought of God and his one thought was to promote non-violent struggle for responsible govt. under the aegis of H.H. the Maharaja.

It is announced in papers that all Shimoga observed 'hartal'. We do not know what the speech he made at Sagar is. We must condemn the action of the govt. in arresting him and express our sympathy to him. You may ask me - why we must be here to-day when we have no speech made by him before us. Some time ago Mr. V. Seetharama Sastri made a speech at Pavagada. He was arrested for sedition. What is stated in his speech at Pavagada was only this. He asked the ryots to pay the kadayam but asked them to urge for their lawful rights. Even Mr. T. Subramanya was arrested for a similar speech^{made} at Bellavi. Therefore we meet here today to condemn the arrest.

In British India Sec. 124-A I.P.C. is a dead letter as Congress Government has come into power. But in the States it is getting more important. Sedition lives as long as responsible govt. is not acquired. He requested Mr. T. Subramanya to speak on the occasion. He requested him also to speak also about those congressmen who have not resigned from the various public bodies as a consequence of the A.M.C.C. resolution of 26th February 1939.

Government has arrested Mr. H. Siddiah. It seems to me that we do not know the Govt. is going to arrest all the leaders one by one before the Vidurawatha Sessions (check) let them not think that we will stop our fight for responsible govt. by these arrests. Their cannot be greater dunces if they think so. Mr. Siddiah must have made Govt. afraid because he is speaking on facts and figures - "ಇದ್ದಕ್ಕಿದ್ದಂತೆ ಇವರನ್ನು ಬಂಧಿಸಿ ದಳದ ಸ್ಥಿತಿ ದೇವರೊಳಗಿನಿಂದಲೂ ಬಿಡಿದುಕೊಳ್ಳುವುದು" We are going to condemn the present government as long as it exists. ಈ ಕಾರಣವನ್ನು ಬಿಟ್ಟು ರಾಜ್ಯದಲ್ಲಿ ಒಂದು ಸರ್ವಜನಿಕ ಚಳುವಳಿ ನಡೆಯಬೇಕು, ಈ ಕಾರಣವನ್ನು ಹಿಡಿದು ಇವರನ್ನು ಬಂಧಿಸಬೇಕು. We must put an end to this Govt. This is what I and Mr. Siddiah are both saying.

Mr. Siddiah is a prominent patriot of self-sacrificing nature. The govt. were afraid to make any arrests from the last one year as they thought we were united. But the re-orientation decision that all the congressites had to resign, showed that there were some who were not prepared to resign and showed them that Congress was weak. When Mr. H. Siddiah resigned for the L.C. the members of the Tumkur Municipal Council have not resigned. They seem to be fond of the place which they occupy. They seem to feel that they are indispensable. They are thereby weakening the movement. It is the non-resignation of the members that has strengthened the hands of the Govt. and has emboldened the Govt. to make this arrest.

Firstly Mr. Ranga Iyengar who was a congress member and who stood on congress tickets for Municipal elections got defeated now enters by the back doors to the R.A.

Mr. B. Mallappa, native of Tumkur who is a 1-0-4-0 congress member has also acted against congress discipline. By such men congress discipline gets weakened. He must hang down his head in shame. Congress is fighting for the descendants of Mallappa but also Dewan and his children. Those who have gone against congress discipline the govt. has got emboldened to lay hands on Congress. Because these people have behaved so, Govt. has arrested Siddiah and called him a traitor 'ರಾಜಕೀಯ'. All the 60 lakhs of

more must become traitors. It is only then we get salivati
"65 ಅಜ್ಜಿ ಜಿ ಸರ್ವಂ ಲಾ ಸತ್ಯಂ ಲಾ ಸತ್ಯಂ ಸತ್ಯಂ ಸತ್ಯಂ"

I have made more bitter remarks, I do not know why they have not arrested me. Perhaps they will. It is far better to be in jail than live amidst the men like Yajaman Siddappa. He is called Yajaman Siddappa; he must have no respect hereafter. He was Tumkur To Congress president. Congress directed its members to resign but Yajaman Siddappa did not. Probably he does not live in Tumkur. Congress directed its members not to entertain Govt. servants. Mr. Yajaman Siddappa instead of being a model to others has given a tea-party to the Deputy Commissioner. He must not have done this. This is a disgrace to himself and his family. The Deputy Commissioner is my classmate and friend and I have no personal hatred towards him. But as a Government official I cannot entertain him. Yajaman Siddappa had not the courage to openly ^{invite} ~~invite~~ his friends for a party got up in honor of Deputy Commissioner. From the point of view of Congress he is a traitor. In my present state of mind I feel inclined to criticize severely every one of those who has not yet resigned. Mr. Siddappa must apologize. The rest are in your hands. I do not know what Government may do. They have refused electricity to Vidurawadi. This shows that the Government is prepared to resist the people's wish. We must oppose such a Government. We must rush to jail and we must not give the Government any rest. There is in Mysore a class of people who are confirmed worshippers of Rising Sun "ರಾಜಾ ಸೂರ್ಯ - ರಾಜಾ ಸೂರ್ಯ, ಲೇಖಕರೇವಂ". Every one of them is a Kir Sadak. They must be removed. Such men bring about disaster in the country.

All the leaders I hear are going to be arrested one by one. It is further learnt I may not be arrested. It does not matter because nothing depends on me alone. Nothing depends upon individuals. Some friend told me that he is greater than Congress and that he would teach Congress a lesson. Such a man must go. From to-morrow I ask every one of ~~you~~ you wherever you meet Mr. Yajaman Siddappa to ask him to resign and give him no rest until he resigns (cheers). He thinks Residency is 'ರಾಜಾ ಸೂರ್ಯ' (Why not he take a lesson from

from Mr. Krishna Rao's death. The presidentship may after all last for about 8½ months. Every one of you should teach Mr. Yajaman Siddappa a good lesson. Once he took an oath to always wear khadi but when gave an entertainment to the Dy.Commsr., he went dressed with a laced turban. This shows that he has no determination. He is an Yajaman of his community. Such a man is trying to destroy the congress union through selfishness. We must tell him to come to the right path and be a 'ದೇಶಪ್ರೇಮಿ' and not a 'ದೇಶನಿಗ್ರಹಿ'. Through this meeting I am meeting him to resign his presidentship.

Tumkur stands first in having sent up its resignation to the Representative Assembly.

It seems the Turuvekere member who resigned for the R.A. 1 moaned and the Police have made him give a petition that he was forced by the congressites to send the resignation application. Why should Police do all these things? It is not the duty of the Police to go to the house of those who have resigned and make them take/their^{back} resignations, and say "Why do you resign? Do not do so. We will take you to Dewan and make you stand gaping while he is eating," ಎರಡು ಕಿಡ್ಡಾಸ್ ಇಲ್ಲುಂಟು ಖಾಂಸು ಅಡು ಪ್ರಸಕ್ತ ವೀರೋದ್ಧಾರಾಸು (cheers).

Mr. Siddiah has made sacrifice. He has been arrested. Before he went to jail he worshipped God and prayed to give him strength to fight for responsible govt. Govt. may think that Mr. Gandhi has suspended all struggles in the Native States and therefore we would stop fighting also. In Mysore the Govt. seems to have started the fight. For this sessions at Viduraswatha people from this place must attend in thousands. No one should retrace even one step. There we must give proper reply to Govt.

The people of Tumkur must be real Satyagrahis. You must have belief in Him - follow Ahimsa and have determination to fight till the end. If we have this determination we will not lose. If we are not united the Govt. will trample us. You must see that the Govt. is not in any way respected. You must not even respect the Govt. officers. One congress member gave a party at Nagavalli to the Dy.Commissioner, came

ek and told me that Rs.100 of ryots' money was wasted. By such participation of the villagers in the entertainment the Govt. will be made to carry the impression the ryots are beh. the govt. This is false.

The govt. is becoming selfish and taking action on those fight for freedom. It is unnecessarily wasting poor man by increasing Police Force. In Secretariat all the of the political movement have got big files in which minute details are noted. Why are all these done? Th

alone just like a dying man struggling beating his feet -
 ಸಲಿಲ ಸಲಿಲ ನಾ ಯೋ ಮೃತ್ಯು ಪಲವತಿತಾ ನಾ ಯೋ
 ? - ಈ ಮೃದಕ ನಾ ಯೋ ಮೃತ್ಯು ಪಲವತಿತಾ ಇತಿ ||

d it is sure to die. The acts of repression that you are
w witnessing are indications that death comes to this govt.
on. Government is also afraid. The dewan and the coun-
llors are touring because they want to enlist the sympathie
the villagers and prevent them from joining the congress,
t they do not see that they have/already won over by congre

ba Doddegowda was won over by Govt. which, at considerable cost, brought water to his tank from a distance of 5 s. In this attempt hundreds of smaller ryots were

d prejudicially- " ನಿಂತೂ ನಿಂತೂ ರಸಾಯನವನ್ನರಿಯುವ
ಹೊಳೆಯುಳ್ಳ ಕ್ರಿ.ಪೂರ್ವ - 3ನೇ ಶತಮಾನಕ್ಕೆ 3000 ವರ್ಷ
ಮುನ್ನವೇ ಇದರ ಸಿದ್ಧಿಪ್ರಾಪ್ತವಾಗುವುದು ".

show the Govt. that the country is not formed by
people only who have big turbans and pot-bellied but
people. We must see from this point of view Mr. Siddia

We must bring down the dewan and councillor and ~~ma~~
t where you are sitting and see that the people's re-
latives occupy the place which the dewan and councillor

The ryots are dying of hunger. How long can we

We cannot bend further. We must face this Govt.

end it. We must take the reins of Govt. to our

The Govt. has no sense of shame or respect. The
oday is supported by these double-headed snakes who
t resigned. I do not care for this Govt. Tumkur
ss Committee is prepared to sacrifice its all to end

Government. Tumkur Congress Committee wants to see these men who have still not resigned do resign immediately. Tumkur which gave birth to congress activities there must be slackness (cheers). You must give support. With your support will remove this Government in no time.

Mr. G. Rajagopalachar wound up the proceedings with the following remarks - He complimented the speaker for his spirited address, and requested the audience to bear in mind the issues which the speaker elaborately dealt with. He pointed out that Siddiah's arrest was only an indication of the number of the arrests that they may make in future.

He added that the present system of govt. however good may be is no government at all. Responsible govt. is the govt. that they want. He told the audience that he values an humble place as their elected representative more than a highest place in the present system of govt. This govt. is achieved only by strengthening congress. This must be done by congress-men not resigning their membership from the govt. and in- on small/significant matters on which they disagree but by remaining within it and correcting its defects. He called on the congress members to preserve the congress discipline and maintain unity in the congress fold.

Resolutions condemning the act of govt. in arresting Siddiah and expressing their sympathy for him were passed with a clap of hands.

Lecture commenced at 7 p.m. and closed at 8-15 p.m. The gathering was 100 strong consisting of students, merchants and others. Mr. Subramanya's speech was punctuated with cheers. The audience were apparently impressed with his tirade against government. Prominent among those who were present were Messrs. M. Neelakanta Rao, B.C. Nanjundiah, T.P. Brahmiah, Vittal Rao and A. Revanna.

Sd. T.S. Madhuranathan,
S.I., S.B.

Sd. K.S.S. Murthy, Dafr. (S.B.).

Date 9-4-1939.

Sd. E. Devaraja Rao,
Police Inspector, Tumkur.

Date 9-4-1939.

Copy


Dist. Superintendent of Police
Tumkur District.

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

Order No: *P1 5576-78* Law 130-18-2

Bangalore, dated *19th* April 1939
(Enc. page 1.5)

Under the provisions of Section 196 of the Code of Criminal Procedure, 1904, the Govt. of Mysore hereby sanction the prosecution of Mr. T. Subramanya, Advocate, Tumkur for an offence under Section 124-A of the Indian Penal Code in respect of a speech in Kannada delivered by him at Tumkur on 9th April 1939, an English version of which is appended to this order.

The Inspector-General of Police is requested to depute the District Superintendent of Police within whose jurisdiction the offence took place to prefer a complaint for the above offence before a competent court of law. The complaint should be preferred in consultation with the Public Prosecutor, Bangalore Division.

MS
18/4/39

Chief Secretary to Govt.

To

The I.G. of Police in Mysore.
The District Magistrate, Tumkur District.
The Public Prosecutor, Bangalore Division.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

~~XXXXXX~~

O R D E R No. P 5576-78 / Law 130-

Dated, Bangalore, the 13th April 1939.

Under the provision of Section 196 of the Code of Criminal Procedure, 1904, the Government of Mysore hereby sanction the prosecution of Mr. T. Subramanya, Advocate, Tumkur, for an offense under Section 124-A of the Indian Penal Code in respect of a speech in Kannada delivered by him at Tumkur on 9th April 1935, an English version of which is appended to this order.

The Inspector-General of Police is requested to depute the District Superintendent of Police within whose jurisdiction the offence took place to prefer a complaint for the above offence before a competent court of law. The complaint should be preferred in consultation with the Public Prosecutor, Bangalore Division.

M. S. S. S.

Chief Secretary to Government.

To

The Inspector General of Police in Mysore.

" District Magistrate, Tumkur District.

" Public Prosecutor, Bangalore Division.

6579739
P 838

No. 125.....
Enc. nil.....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore City, ... 20. 4. 1939.

Confidential

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore City.

TO

SIR,
The Chief Secretary
The Government of H. H. Maharaja
of Mysore
Bangalore City

CB H. P. 12/4
MS
21/4
12

I have the honor to
acknowledge receipt of your order
no P 5576-78. Law 130-38-2. dated
the 19th inst and to state that
I will comply with the directions
contained in the said order.

I have the honor to be
Sir
Your most obedient
Servant.

S Doraswamy Iyer

6599/38 251966 13
OFFICE OF THE DISTRICT MAGISTRATE,
TUMKUR DISTRICT,

Dated Tumkur, the 22nd April 1939

FROM

M. Venkatesa Iyengar, Esqr, M.A.,
~~E. V. CANAPATHI IYER, Esqr, B.Sc.,~~

Law 130-38-3
District Magistrate,
Tumkur District.



Rajasevaprakashta

B.T. Kesava Iyengar, Esqr, B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

SIR,

Subject:—

I have the honour to state that the District Superintendent of Police, Tumkur has this day placed a charge sheet against Mr. T. Subrahmanya B.A.B.L., Advocate, Tumkur for an offence under section 124 A of Indian Penal Code for having delivered a seditious speech at a public meeting held at Tumkur on 9-4-39. The accused has been arrested and kept in custody in the District Lock-up at Tumkur and the case has been posted for hearing to 27-4-39.

I request that arrangements may be kindly be made to depute the Public Prosecutor to conduct the case on the date of hearing.

I have the honour to be,
Sir,
Your most obedient servant

M. Venkatesa Iyengar

District Magistrate
Tumkur District.

Rajasekharan
P.T. Vasu, District
Chief

I have the honour to state that the District Superintendent of Police, Tumkur has this day placed a charge sheet against Mr. P. T. Vasu, Advocate, Tumkur for an offence under section 84 of Indian Penal Code for having delivered a seditious speech at a public meeting held at Tumkur on 9-4-39. The accused has been arrested and kept in custody in the District Lock-up at Tumkur and the case has been posted for hearing to 27-4-39.

I request that arrangements may be kindly be made to detain the Public Prosecutor to conduct the case on the above date.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore City, 21st April.....193 9

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore City.

TO

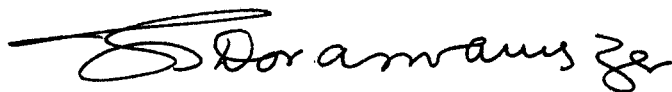
The Chief Secretary
to the Government of Mysore,
BANGALORE.

SIR,

CB.
ms
24/4

I have the honour to state that with
reference to Government Order No.P. 5576-78/Law.130-38-2
dated the 19th instant, the District Superintendent of
Police, Tumkur was pleased to consult me today at
1 P.M. and I have advised him in the matter of
preferring the case against T.Subramanyam under
Section 124 A. today alone as tomorrow will be a
holiday.

I have the honour to be,
Sir,
Your most obedient servant,



PUBLIC PROSECUTOR,
BANGALORE DIVISION.

SUBJECT

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

()
the 193

Section *Law*
File No. *130-38*

Serial No. *4*

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Date of issue..... *25.4.* 193*9.*

W

Signed by *Mr. A.S.R.*

Read— *G.O. no. P 5576-78d*

130-38-2, dated 19th Apr

*1939 sanctioning the
prosecution of Mr. T.
Subramanya, Advocate,
Tumkur for an offence
under Section 124-A I.P.C.*

May this be—

- (i) prin
- (ii) treated as a standing order?
- (iii) published in the Gazette,
English Part?

(vi) translated?

P.V.D.

(v) placed at the disposal of the press?

(vi) published in the Gazette,
Kannada Part?

(2) Correspondence

~~Order thereon—No~~
ending with letter no. T.C.

*291/38-39, dated 22nd April 1939
from the Dist Magr, Tumkur
Dist., stating that the
Dist Supr of Police, Tumkur
has placed a charge sheet
against Mr. T. Subramanya*

Office under Sec: 124-A 2P
etc: and Requesting Name
of Govt to engage the Service
of the Public Prosecutor,
Bangalore Division, to conduct
the prosecution on behalf of
Govt in the said case
on 27-4-1939 the date to
which the said ^{it} case has
been posted for hearing.
Order No. P5660-3.

Sanctioned

Addl Secy:



by 24-4

To

- (1) The G. O. of Police.
- (2) The Dist Magr, Tumkur.
- (3) The P. A., B'lore.

1. 71 P. A. L. P. 1

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

R e a d:-

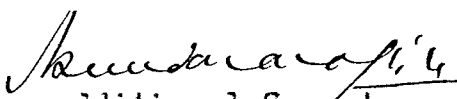
Government Order H.P.5576-78/Law 130-38-2 dated 19th April 1939 sanctioning the prosecution of Mr. T.Subramanya Advocate, Tumkur for an offence under Section 124-A Indian Penal Code.

2. Correspondence ending with letter No.J.C.291/38-39 dated 22nd April 1939 from the District Magistrate, Tumkur District, stating that the District Superintendent of Police Tumkur has placed a charge sheet against Mr. T.Subramanya, Advocate, Tumkur for an offence under Section 124-A Indian Penal Code et c., and requesting sanction of Government to engage the services of the Public Prosecutor, Bangalore Division, to conduct the prosecution on behalf of Government in the ~~said~~ case.

O R D E R No. PS660-3 Law 130-38-4

Dated Bangalore the 25th April 1939.

S a n c t i o n e d.


For Additional Secretary
to Government.

To

The Inspector General of Police in Mysore.
The District Magistrate, Tumkur.
The Public Prosecutor, Bangalore.
The Comptroller to Government.

No. bb.....

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore City, ...31st May, 1939, 193

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,

Public Prosecutor,

Bangalore Division, Bangalore City.



SIR,

The Chief Secretary to the Government of Mysore,
Bangalore.

I have the honour to state that this case was taken up ^{on the 29th May} ~~yesterday~~ by the District Magistrate, Tumkur who examined about 10 witnesses for the Prosecution. The accused defended himself. After this evidence was let in, I requested the Honourable Court to kindly examine the accused and to frame a charge as a prima facie case had been made out. The learned Magistrate examined the accused and adjourned the proceedings to 2-5-1939.

Further progress will be reported in due course.

I have the honour to be,

S i r,

Your most obedient servant,

public Prosecutor,

Bangalore Dvn, Bangalore.

No. 171

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore City, 1st May 1939

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,

Public Prosecutor,

Bangalore Division, Bangalore City.



SIR,

The Chief Secretary to the Government of Mysore,
Bangalore.

(1) I respectfully crave leave to bring to the notice of Government that when I had just closed the work for the last term I received an order to prosecute an important case of Sedition against one Mr. Subramaniam of Tumkur.

(2) Throughout the whole of last year as in previous years every day I have had to attend to at least ten cases pertaining to Government and except for one solitary day I have been attending to Government work and not taken a single holiday.

(3) Since however an order was received to conduct an important case I did not avail myself of the usual annual vacation even and went to Tumkur and have practically closed a case in two days.

(4) On a similar occasion when another advocate was deputed as Special Public Prosecutor to prosecute the same gentleman I learn that Government was pleased to sanction a fee of Rs. 40/- per day.

(5) May I respectfully crave the indulgence of Government and request them to sanction a Special fee for this case.

(6) For which act of kindness I will for ever pray etc

I have the honour to be,
Sir,

Your most obedient servant,

G. S. Doraswamy Iyer
Public Prosecutor,
Bangalore Dvn. Bangalore.

No. 42 P.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

Enc.

DISTRICT OFFICE BUILDINGS,

Bangalore City, ... 23d. May. 193 9

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore City.

TO

The Chief Secretary
to the Government of Mysore,
SIR, Bangalore.

Subd

(6 members)

1/11/39
3.5.39

Government. Vs. Tumkur Subramanyam.

I have the honour to state that this case was closed yesterday and the learned Magistrate has reserved the case for judgement and posted it to the 5th instant on which date he has been gracious enough to permit me to be absent.

Although the Deputy Commissioner, specially requisitioned for my service-s and although the accused pleaded not guilty and raised several objections and contentions mainly resting upon the distinction between Section 124 A, and the Explanations 2 and 3 added to that section which are being subtle and have been the subject matter of decisions of numerous High Courts and learned Judges, the District Magistrate, Tumkur did not want me to argue the points at length.

It was submitted on behalf of the Prosecution that under Section 256 Cr.P.C. that there should be sufficient time given to the accused to consider whether he wished to cross examine any or all the PWS and to think out his line of defence, after the charge was framed and read out to him, but the learned Magistrate thought that it was not necessary under the circumstances of the case and that he would record his reasons in writing for thinking fit forthwith to ask the accused whether he wished to cross examine any of the P.Ws. already examined in the case.

Some other speeches, ^{which were B} seditious in nature were put in by the Prosecution to prove the intention of the accused as contemplated in Section 14 and 15 and in accordance with the decisions in Spratt's Case, 30 Bom L.R. 315 and Chidambaram Pillai' case 32 M.3 and 19 C 35, 26 Cr. L.J. 304, 35 Cal 141, 22 B 112, 20 A 55.

The learned Judge opined that the speeches must under section 14 and 15 be proximate in time and it was contended on behalf of the Prosecution that the time must only be reasonably proximate and that our High Court has followed the Decision of Lord Ellenborough in 1804 2 Leach C.C. 983 and 16B 414 wherein it has been said that " True it is that the more detached the previous utterings are in point of time the less relation they will bear to the particular uttering stated in - dictment and when they are so distant the only question that can be made is whether they are sufficient to warrant the Jury in making any inference from them as to the guilty knowledge of the prisoners, but it would not render the evidence inadmissible.

References were also sought to be made to the later decisions of Lahore and Calcutta High Courts especially of F. Forde J. in 1930 L. 360 and to the decision ~~in~~ by Tapp. J. in 1930 Lah 867 and that of Dilip Singh J. in 31 Cr.L.J. 562 etc but the learned Judge did not want the Crown Counsel to argue at length or cite case law in numbers as he probably is well aware of all the decisions.

The Court Hall was fully crowded but there was no demonstration and the accused throughout the case defended himself.

I have the honour to be,

Sir,

Your most obedient servant,



Public Prosecutor,
Bangalore Division, Bangalore.

*Copies of depositions and the accused's
statement have been sent to the
Additional Sessions*

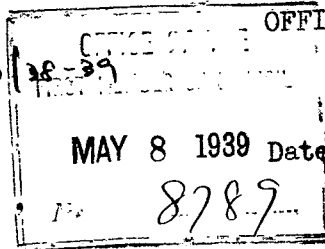
Confidential 22

6993 | C-63 20681
P Law 130-38-5

D.O. NO.

No. C.C. 3/38-39

Incl. one



OFFICE OF THE DISTRICT MAGISTRATE,

TUMKUR DISTRICT.

Dear Sir,

Reference: - H.O. No. P. 5576-78 / Law 130-38-2 dated 19th April 1938.

I enclose herewith for the information of Government copy of the judgment passed by me on 5-5-1939 in the sedition case No.C.C.3/38-39 filed by the District Superintendent of Police, Tumkur, against Mr. T. Subramanya, Advocate, Tumkur.

39 22) Subd

8-
Munimben
+
Dewan

8/5/39

9/5/39

Yours sincerely,

M. Venkataswamy

1.0
S.S.

Rajasevaprakashta
B.T. Kesavaiengar, Esquire, B.A.,
Chief Secretary to Government,
Bangalore.

10-5-39

12/5/39

In the Court of the District Magistrate,

Tumkur District.

Dated, Tumkur, the 5th May 1939.

C.C.No.3/38-39

Presents- H. VENKATESA IYENGAR, Esquire, M.A.,

District Magistrate,

Tumkur District.

COMPLAINANT

Government

(By the District Superintendent
of Police, Tumkur).

ACCUSED

Mr. T. Subramanya, B.A., LL.B.,

Advocate, Tumkur.

JUDGMENT

1. The District Superintendent of Police, Tumkur placed a complaint before this Court on 22-4-1939 against accused Mr. T. Subramanya, Advocate, Tumkur, for an offence under Section 124-A I.P.C. The complaint stated that the offence was committed on 4-4-1939 in Tumkur when the accused delivered a speech at a public meeting held in front of the Town Co-Operative Society Building for condemning the Government, inter alia for the arrest of one Mr. H. Siddiah, an Advocate of Shimoga. An English summary of the speech said to have been delivered by the accused on that occasion in Kannada was filed with the complaint. The Government Order sanctioning the prosecution as required under Section 196 Cr. P.C. for filing a complaint of sedition and authorising the District Superintendent of Police to place the complaint was also filed. A warrant for the arrest of the accused was issued on the same day and the accused arrested. The trial took place on three days, the Public Prosecutor, Bangalore Division, conducting the prosecution. Mr. K. Ranga Iyengar, an Advocate, of Tumkur, present among others in the Court on the first day of the trial, stated that he would watch

watch the proceedings for the accused who however would conduct his own defence. Mr. Ranga Iyengar was not present on other days. Such defence as there was, was conducted by the accused himself.

2. The facts of the case briefly are the following. Mr. H. Siddiah is an Advocate of Shimoga. He is a leading member of the political body known as the Mysore Congress. It is stated that he made a seditious speech at Sagar some time ago. Government sanctioned his prosecution for an offence under Section 124-A I.P.C. and he was arrested. The accused is another prominent member of the Mysore Congress. The Tumkur Town Congress Committee organised a public meeting in Tumkur town on the 9th April 1939 to protest against the arrest of Mr. Siddiah. Accused Mr. T. Subramanya was among those who spoke at the meeting. Several officials of the Police Department were present at the meeting as is usual in such cases and made notes of all the speeches including that of the accused. The speech of the accused was felt to have gone beyond the limits of fair criticism and Government have directed this prosecution.

3. Sixteen witnesses have been examined for the prosecution. It has been proved that such a meeting as is described in the complaint was announced by means of printed handbills and took place on 9-4-1939 and that accused spoke in it. The persons who made notes of the speeches were examined to describe the process of reporting with a view to show that the summary prepared on the basis of the notes, is a fair record of what the accused said. A summary of a speech made by the accused about a year and a half ago was filed to show his intention in making such speeches. It was also shown that at the time the accused made the speech in Tumkur on 9-4-1939 the case of Mr. Siddiah in Shimoga was sub-judice. Evidence was let in to show that persons connected with the congress organisation are out on a campaign of non-co-ope-

ation with the Government and that there is some tension in the public mind in this connection. It has also been shown that the accused is a person of some standing and was addressing a not very educated or mature audience and made some impression with his speech.

4. The accused did not cross-examine any of the witnesses. He made a statement before the Court admitting that he addressed the meeting in Tumkur referred to in the complaint and impugning the record in certain particulars, and claimed that his speech could not constitute an offence under Section 124-A I.P.C.

5. The question in the case at this stage was therefore mainly how far the record of the speech made by the Police could be relied on and whether the speech which may be believed to have been made would offend Section 124-A I.P.C. I examined the evidence for the prosecution in this sense and framed a charge against accused under Section 124-A I.P.C. and called on him to plead. He pleaded not guilty and said that he did not wish to cross-examine any of the P.Ws., nor examine any witnesses for the defence and desired that the proceedings be closed at this stage. The Court is therefore left with only such material as was available to it before the charge was framed for coming to a decision in the case.

6. The first question for decision is the reliability of the Police record of the speech complained of. The accused admits he made a speech. Is the record produced by the Police a fair summary? The Police witnesses have stated how the record was made. There were a Police Inspector and three other officials in the meeting. Each made notes of the speeches as they were being delivered. Three of them translated the matter mentally and wrote down the rendering in English. Particular sentences they wrote down in Kannada

verbatim as they seemed important. One official made the notes in Kannada. After the meeting the notes were compared and the summary compiled the same day and the officials have attested the summary. The notes books have been produced in the course of evidence. The Public Prosecutor tried to elicit from P.W. Mr. G. Rajagopalachar who is a fellow congressman of the accused some information as to the accuracy of the record made by the Police. The witness had to recollect and state things in his own words. He said something was inaccurate; he also stated that he could not say in one word if the record was correct or not and that he would have to go over it, bit by bit. It seemed to me that this would be too laborious a process of getting the opinion of a person who was present at the meeting and that the result might not be worthwhile in view of the time that has elapsed since the speech was delivered. The accused has stated that in two particulars (which will be referred to presently) the record is not correct. These are by no means the most serious part of the summary regarding the others he is content to say that the summary is incorrect and that it is the ' most unkindest cut of all ' to convict him on such a report. I have examined the note books and the summary. The notes recorded by the four officials follow one line of thought. They do not agree in each detail. One has a sentence that another has not, and omits a sentence that another has. But on the whole they agree. It is clear that the recording was done, as indeed it had to be done, with no time whatever for considered deviation. Particular words that struck the reporters as specially offensive or striking were taken down verbatim. The manner of making the record is not so good as that of stenography for a language in which it has come into use but as Kannada shorthand has not come into use but as Kannada shorthand has not

as can be devised at present. It is also in itself not a bad way of recording a speech. On the whole therefore I take the record, subject to the remarks I shall make later on, as fairly representing what was said by the accused on the occasion complained of.

7. Whether the speech which the accused made was seditious and comes under Section 124-A I.P.C. is ~~not~~ now to be considered. The law on this subject was laid down at length by the High Court of Mysore, in Seetharama Sastri Vs Government. That is the judgment which I should follow in deciding whether the speech now complained of is seditious. That judgment quoted with approval various extracts from many judgments of British Indian High Courts. The substance of the law so far as it pertains to this case is that there should be intention on the part of the speaker to bring His Highness the Maharaja or the Government of Mysore as now established into hatred or contempt or excite disaffection towards His Highness or the Government. Explanation 1 of Section 124-A I.P.C. says that disaffection includes disloyalty and all feelings of enmity. 'Feelings of enmity' it has been said, 'include ill-will, hostility, feeling of dislike amounting to enmity' (1) It has also been stated that 'disaffection is a positive feeling of aversion which is akin to disloyalty, a defiant insubordination of authority.' It 'seeks to alienate the people and weaken the bond of allegiance and prepossesses the minds of the people with avowed or secret animosity to Government' into hatred or contempt by imputing base or corrupt motives to it, makes men indisposed to obey or support the laws of the realm and promotes discontent and public disorder'. (2) Comments or criticisms on the measures of Government or

...
Quoted in Ratanlal
Page 297.

1. Ramade J. in
Ramachandra
Narayan. Quoted
in Ratanlal Page 298.

on their executive acts, however perverse or unfair, would it seems, be protected by explanations 2 and 3 and not constitute sedition so long as the comment or criticism confines itself to discussion of the measures and acts and does not seek to traduce Government and bring it into hatred or contempt or excite disaffection towards it. " A man may criticise or comment upon an, measures or act of the Government whether legislative or executive, and freely express his opinion on it. He may express the strongest condemnation of such measures and he may do so severely and even unreasonably perversely, and unfairly. So long as he confines himself to that he will be protected by the explanation. But if he goes beyond that and whether in the course of comments upon measure or not holds up the Government itself to the hatred or contempt his readers (hearers in this case) imputing to it base motives and accusing it of hostility or indifference to the welfare of the people, then he is guilty under the section".⁽³⁾ Government in the section "includes the representatives to whom the task of Government is entrusted."⁽⁴⁾ " He, (the journalist - speaker in this case) - is free to discuss their (Government of the State) executive acts and their public policy and he may canvass and if he thinks proper censure the acts of Government and ministers. But this course should be carried out with calm and temperate language. The man who criticises the conduct of the Government ought not to impute improper motives".⁽⁵⁾ Section 124-A I.P.C. is not intended to curtail freedom of speech or muzzle criticism of Government. Its object is to punish only such activity as tends to lower the Government in the eye of the populace and make it an object of popular dislike. " It has always been the policy and is the policy of the law to allow free criticism . . . but it is subject to this qualification that this freedom must not be abused as to become a source

6. Lawrence C.J. in Queen
Empress vs Vinayak, quoted
in 7

7. Mysore High Court 1929
Seetharama Sasthi vs Govt.

(6)
of danger to the State". " Even trenchant and in-
cisive criticism is not incompatible with comments
fair and dignified without resort to vulgarity, abuse
(7)
and ridicule."

8. The speech made by the accused may now be
examined in the light of these observations. The speech
was made at a meeting held to protest against the arrest
of a colleague of the accused in the Mysore Congress.
That colleague had made a speech in Sagar which Government
felt was objectionable. They had sanctioned the prosecu-
tion of the speaker. The meeting in Tumkur was convened
to protest against this action of Government. A reason-
able protest would come under explanation 5. But it does
not appear that the conveners of the meeting were anxious
to be sure of their ground. It does not appear if they knew
in detail what the speaker in Sagar had said nor what it
was in his speech that had led to prosecution. The speaker
had criticised Government and Government had ordered prose-
cution. The speaker was a colleague of the gentlemen con-
vening the meeting. That was enough ground for them to con-
demn Government. The prosecution was then pending before
the District Magistrate, Shimoga. That Court had to decide
whether or not there was sedition in the speech complained
of. The conveners had not the patience to wait till the
decision was known. Their own mind was made up. This was
clearly not a very reasonable way of approaching the ques-
tion. ~~This was a~~ The meeting took place and the main
speech was that of the accused. He seems to have started
with the statement " Government has arrested Mr. H. Siddiah.
It seems to have gone mad. We do not know if the Government
is going to arrest all the leaders one by one before the
Viduraswatha Sessions". The audience seems to have cheered
him at this stage. The mood of the speaker appears fully
from even these sentences. The speaker could understand the

the arrest of Mr. Siddiah only on the assumption that Government had gone mad. He assumes also that Government may be out to arrest other leaders like Siddiah before the Viduraswatha Sessions. That Mr. Siddiah's arrest followed a speech that was considered seditious and that the other leaders could share that fate only if they did something that Government might consider to be seditious are coolly ignored. Government the accused proceeded to say, should not think that he and his group would stop the fight for responsible Government for fear of those arrests. ' There could not be greater ದೂರ (dunces) than Government if they thought so.' He and his friends would not give the Government *Stand on one foot in austerity. This Government* rest even if it should be ended'. This is what he and Mr. Siddiah both said. Mr. Siddiah resigned from the Legislative Council. Others who should have done so did not. This emboldened the Government to call Siddiah a "ವಂಶಭ್ರಾತೃ" a treasonous person. The whole population should become 'ವಂಶಭ್ರಾತೃ' treasonous like Siddiah. Accused had made more bitter remarks than Siddiah had made and did not know why he was not arrested. Perhaps they would arrest him. A member of the public who had not resigned from the Municipal Council as required of congressmen had entertained the Deputy Commissioner, Tumkur District in a tea party. This the accused condemned. ' This is a disgrace to himself and his family' ' All the leaders, ' the accused stated later' I hear, are going to be arrested one by one'. ' In Mysore the Government seems to have started the fight. For this sessions at Viduraswatha people from this place must attend in thousands. Thereby we must give proper reply to Government ' You must see that Government is not in any way respected. You must not even respect Government Officers ' The Government is becoming selfish and taking action on those who fight for freedom.' Just as a man on his death-bed tosses

his legs about and dies, this Government is tossing its legs and is about to die and is sure to die. Government, he proceeded to say, were making friends with the well-to-do. For a charity worth 3 pies they were giving a benefit worth Rs.30/- and giving titles. " We must bring down the Dewan and Councillors and make them sit where you are sitting and see the people's representatives occupy the place which the Dewan and Councillors now occupy. " " The ryots are dying of hunger. How long can we bend? We cannot bend further. " " We must face this Government. We must end it. We must take the reins of Government to our hands. The Government has no sense of shame or respect. I do not care for this Government With your support we will remove this Government in no time. "

9. These sentences are taken from various portions of the summary. Some other sentences which would have combined with this selection have been omitted because the accused specifically stated that they did not represent what he said. With regard to some of them, I find that the notes agree with one another and it would not be unfair to think that the record made at the time of speaking is more likely to be correct than the speaker's recollection; but it is not unlikely that the accused recollects correctly and that the reporters may not have exactly followed the drift of a particular sentence. Another statement (२९९ २९९ २९९ २९९) the accused claims as a dignified way of saying that to some truth is unpalatable. The meaning is clear, but I fail to see where the dignity is about the way it is stated. It is however unnecessary to insist on one particular way of looking at it. It is therefore omitted. What is put together represents the main ideas of the speech regarding Government and the attitude that the accused wishes to be adopted by people towards it. It has been laid down that a sentence here and a word there should not be picked out from a speech and shown to be obnoxious. I have borne

this in mind in putting together the sentences in the above paragraph. These sentences really represent the three or four ideas that seem to have re^urr^ed in the speech. The accused is said to be a powerful speaker. He apparently makes use of a rhetorical manner in speaking. He reverts to the same ideas twice or thrice in the course of the speech, repeating and emphasizing. The sentences put together above^{one}~~are~~ in this case not isolated statements picked up to show the speech at its worst, but the substance of the speech made from the very words of the recorded summary. They represent the gist of what the speaker wished to convey to his audience.

10. I have the less hesitation in holding the view that these sentences represent what accused said in his speech because of the line that he took in his statement before the Court. In that statement accused said that two statements in the summary were not as he made them, that another was correctly reported but that it is dignified and that in a third instance he had perhaps been unfair to a person, Mr. Mallappa whom he had criticised for not resigning from a public body. There was nothing to prevent him from following the same course in regard to other sentences in the summary that offend. He proposed neither correction nor justification in regard to them. He said that it would take too long to go over the report. This reason for not stating where the report erred is hardly con-report erred is hardly convincing. Accused devoted a respectable part of his statement to withdrawal of the criticism he had made of a person for not resigning from some membership. A little more trouble of the same kind would have enabled him to disown, it was his wish to do so, whatever other offending passages in the report diverged from his speech. That he did not choose to correct the other

11.

Passage seems to indicate that - they did not ^{reporters} diverge widely from what he said. They should have followed his drift even if they did not exactly give the English equivalents of his words. Indeed it seems to me that even in the meaning they could have made no great mistake in the main points. They had to make the record quickly; this no doubt prevented their making it perfectly but it also prevented their deviating from it to any extent. It should have been all that they could do to note down what was being said.

The main idea of the speech manifestly was to express a great deal of ill-will to Government and foster it in the audience. 'The Government should end, should be brought to an end, was coming to an end.' Government arrested Sidiah without justification and was unfair. Accused thought it capable of such further unfairness as to arrest other leaders. Government was tyrannical. The people had bent before it so far. They could not bend any further. They should face it. ~~Another line of thought appearing in the speech is that Government~~ ^{was} ~~was~~ making use of the division among the people to suppress their opponents; ~~it was~~ that they are rallying the well-to-do classes to their side by giving titles and conferring benefits far in excess of deserts and trying to help them ^{wherever} ~~whatever~~ possible. There is a distinct suggestion of partiality on the part of Government to certain classes. It has been held 'that to make a charge of gross partiality of that sort against Government was calculated to inspire feelings of enmity and disaffection against Government.' (9) Along with the incitement to ill-will there is a suggestion that the audience should be 'Satyagrahis,' but how exactly this should modify the attitude to Government which had been recommended earlier is not made clear. Members of Municipal Councils ^{etc} should resign. Not only Government in the abstract but Government Officers should not be shown respect or courtesy. The Deputy Commissioner should not be given a tea party because he is a Government functionary. Government, Government

Institutions and Government functionaries, everything savouring of Government is anathema to the speaker and he asks the audience to shun them. G-overnment has accused Mr. Siddiah of treason. The speaker desired that the whole population should be treasonous in the same way. The attitude and outlook are in some points exactly like those which the High Court in Seetharama Sastry Vs Government considered as having transgressed the limits prescribed by law. "The cumulative effect of the language" to use the words of that judgment "is calculated to promote popular discontent by making the people think that the Government is unjust, high-handed and oblivious of its duties to them."

12. I have no hesitation in thinking that this speech was designed to create ill-feeling towards Government. 'It may not be easy', it has been said, 'to express the difference in words; but the difference in tone and spirit and general drift between a writer (speaker) who is trying to stir up ill-will and one who is not is generally unmistakable'.⁽⁹⁾ It may be said in regard to the speech in the present case that that this is distinctly so. The speaker made no secret of his desire to stir up ill-will. In fact he expressly stated that the Government should be ended, that it was dying, was in fact in the last throes of death. This portion of the speech is particularly malignant. The picture of a dying man in the spasms of death would ordinarily be called up for exciting pity. Here with singular bad taste it is brought in to cast ridicule. Man has not progressed enough to make bad taste a punishable offence but there is no harm in saying that the coarseness of the imagery here was an offence against the common humanity of the audience as the ridicule of Government was against Section 124-A of I.P.C. The audience may not in such cases realise the violence that is being committed on

9. Tilak's case 1897 Bombay

its better nature but the more is the pity. And then Government should not be respected, Government Officers should not be entertained, Government this and Government that. The whole speech proceeds from ill-will and is designed to invoke ill-will in the audience towards Government.

13. Accused has stated that his speech does not come under Section 124-A I.P.C. I do not quite follow the language. 'It is enough to say' is the language of a person that decides rather than of one that pleads. Construing the sentence as part of the plea in the accused's statement its meaning may be taken to be 'I did not intend to offend against the Section.' This would however not absolve him from responsibility for its ordinary meaning and its ordinary consequences. "As a matter of commonsense" it has been said "a man is presumed to intend the natural and ordinary consequences of his acts. He cannot, speaking generally, say." Although this language would have the natural and ordinary effect of exciting disaffection, I did not, when publishing it, (speaking it in this case) intend that it should do so." ⁽¹⁰⁾ Disavowal may not be ^{of} any use against the clear import of a speech, but in this case there is even no real disavowal as has been *stated* earlier.

→ There is categorical disavowal of only ~~one~~ ^{two} statements and these not the most offending. Regarding the others there is only a general observation that they do not report him correctly. In the absence of indication as to what would be a correct report the disavowal can be treated only as an endeavour to leave things nebulous. It cannot avail the accused to throw off responsibility for what the evidence for the prosecution leads us to believe he should have said. There is also a suggestion that what was being criticised was the present system of Government

not the Government itself. The distinction may be a real one and would be valid if only measures and acts were criticised. But when, as in this case, motives are imputed and hatred and contempt are sought to be roused, the distinction in the abstract makes no difference in the effect. Disaffection is created and its object is Government together with the persons who are entrusted with the task of Government.

14. It has been suggested for the prosecution that the time and the circumstances in which and the quality of the audience to which, the speech was made are of importance. Accused himself states that there is unrest in the country. There is some tension in the public mind created by the Congress policy of non-co-operation or what is virtually such and at the time the speech complained of was made, there had been resignation of members from the Representative Assembly and Legislative Council and from local bodies in pursuance of that policy. The speech was made in a town of some size and to an audience of merchants, school boys and other youth gathered not exactly to learn anything nor deliberate on the acts of policy of Government but, for the most part, to hear its own dissatisfaction against Government expressed by the speaker. There is always a residuum in every community of disappointed poor men who go through life in a state of discontent and who in ignorance are often prejudiced and prepared to accept allegations made against the Government.⁽¹¹⁾ The audience in a case of this kind is largely composed of the same persons. They are used to hear the same style of hot comment regarding Government and will have developed an appetite for such comment. The speaker feeds that appetite and it grows by what it feeds on. The accused is gifted with powers of emotion and is just the style of man to appeal to an audience inclined to emotion.

Vigorous attack of Government would give the audience the feeling that something heroic was done and it would feel, particularly the younger portion of it, that it had done something wonderful in having expressed defiance of authority. Speaker and audience egg each other on to more and more vigorous clapping and vigorous statements and the result is a highly inflammatory speech with very unhealthy results to public order ^{and} peace. P.W. Mr. G. Rajagopala char who presided when the speech complained of was delivered seems to have eulogised it as an 'ಒಳ್ಳೆಯ ಸಂಕೇತ'.

There is no doubt that the effect of such ಒಳ್ಳೆಯ ಸಂಕೇತ in such circumstances is to create disaffection against Government and foster it and bring it into hatred and contempt, and even if it ^{does} not produce the effect intended, it is clear that there is an attempt to create and foster it.

15. It is on these considerations that I framed a charge against accused for an offence under Section 124-A I.P.C.

16. I have again fully examined the summary of the speech and studied the Law, and considering all the circumstances of the case, find accused guilty of having brought or attempted to bring the Government established by Law in the territories of Mysore into hatred or contempt and excited or attempted to excite disaffection towards the Government and committed the offence punishable under Section 124-A of the Indian Penal Code with which he has been charged and under Section 258 of the Criminal Procedure Code convict him of the said charge.

17. I have now to consider the question of the sentence to be given in the case.

"In the case of political offences arising out of the beliefs of the accused," it has been observed, "severe sentences defeat their object. In practice such sentences confirm the offenders in their beliefs and create other of-

12. Ghabwalla (1933)
Quoted in Ratanlal Page 309.

13 and 14. Satya Ranjan
Bhaskari (1927) and Rama-
Shankar Das (1930) quoted in
H.S. Gour Page 478.

fenders thus increasing the evil and the danger to the
public".⁽¹²⁾ Apart from the effect on the accused himself,

a severe sentence draws public sympathy to the accused
and builds a halo round his head and makes a martyr of
him. As has been observed; " It need scarcely be added

that the object of the crown in instituting prosecution
of this nature is not vindictive and severe punishment⁽¹³⁾

would defeat its purpose by evoking public sympathy and
arousing a greater hostility to the Government."⁽¹⁴⁾

I may also add that while the accused has without doubt
attributed motives to Government and cast ridicule on it
and preached non-co-operation, he has yet not reached the
extremes of expression and imputation of motives possible
and not unusual in such cases. I have at the same time
to remember the observations of the High Court in the de-
cision to which I have referred earlier that ' ordinarily,
considering the grave nature of such offences and the ex-
tent of harm that may ensue, fairly deterrent sentences
are ^{necessary} ~~made~~. ' A sentence of six months in that case for the
chief offender was considered inadequate but allowed to
stand in the special circumstances of the case. It seems
to me that in this case rigorous imprisonment for a year
with a fine of Rs. 300/- would be sufficiently deterrent and
yet not so severe as to invoke from the public apart from
persons of the accused's own way of thinking, any sympathy
for the accused. I accordingly sentence accused T. Subramanya
to one year's rigorous imprisonment and a fine of Rs. 300/-;
in default of payment of fine he will suffer a further two
months of imprisonment.

Dictated from notes to the Stenographer and pro-
nounced on the 5th day of May 1959 in open Court.

Sd. M. Venkatesa Iyengar

DISTRICT MAGISTRATE,
TUMKUR DISTRICT.

In the Court of the Dist. Magistrate,
Tumkur District.

Deposition sheet of

R. MUTHOJI RAO SCINDIA, Esq., Dist. Supdt. of
Police, Tumkur District.

I have been Dist. Supdt. of Police of Tumkur since
15-8-38. I am in charge of the town of Tumkur as
well as the District. I preferred the complaint
in this case to the District Magistrate on the 22nd
instant. I have been authorised by Government to
prefer this complaint. Ex. Pl. is the order of
sanction. Ex. Pl. A is the order of the Inspector
General of Police deputing me to prefer this com-
plaint.

Cross-examination by accused - nil.

Read and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist. Magistrate, Tumkur.
27-11-39.

In the Court of the Dist.Magistrate,
Tumkur District.

Deposition sheet of Mr. Vitoba Rao s/o Mr. Narsoji Rao,
Proprietor, Panduranga Press, Tumkur

I have lived in Tumkur for many years. I know
accused Mr. Subramanya. He has been a leading law-
yer in Tumkur for several years. He lives in Tumkur.
Ex.P2. was printed in my press. The matter was given
to me for printing by Mr Nilakanta Rao, Secretary of
the Tumkur Congress Committee. It was printed about
the 9th April 1939. About 500 copies of this were
printed.

Cross-examination by accused - nil.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist.Magistrate.

27-4-39.

P.W.3.

In the Court of Dist.Magistrate,Tumkur District.

Deposition sheet of T.M. Abdul Ghani, police constable,
Dist.Police Office, Tumkur.

Slips like Ex.P2. were distributed in Tumkur on the
9th instant. I got one from the Panduranga Press and gave
it in the office. The notice was being distributed.

Cross-examination - nil.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,

Dist Magistrate.

In the Court of the Dist.Magistrate, Tumkur District.
Deposition sheet of Satyanarayana Murthy -

I was in Tumkur on 9-4-39 I saw a notice like Ex.P2. that day. One of our constables brought it. I read it. The meeting referred to in it took place that day in front of the Town Co-operative Society Building. I was present at the meeting about 100 persons were present. The audience was mainly of students and merchants. It was a public meeting. Mr. Rajagopalachar, an advocate of this place presided and spoke in the beginning. After him accused Mr. T. Subramanya spoke. He spoke in Kannada. Nearly all the audience knew Kannada. I heard all the speeches and took notes. The notes are mostly in English; here and there I have noted down Kannada expressions and sentences. The English notes were made, rendering the Kannada into English as the speech was being delivered. The sentences and expressions noted in Kannada were noted down direct as they seemed to be seditious and I wished to have a verbatim report of that portion. I have recorded the speech as accurately as I could. Mr. Subramanya did say all that I have noted down as said by him. Ex.P3. is the note book. Ex.P3.(a) is the notes of all the speeches in the meeting that I have made. Ex.P3(b) is the portion relating to Mr. Subramanya's speech. Ex.P4 is one of the notice slips that were distributed that day. I have completed the Intermediate examination course. The Police Inspector of the taluk and Sub-Inspector Madhuranath were also present. They also took notes. I saw those notes. Ex.P5. is the proceedings of the meeting as recorded by the Police. Ex.P5(a) is my signature. I signed it that night. We compared each other's notes and prepared the notes. The portion attributed to Mr. Subramanya in this record is correct to the best of my knowledge.

Read over and admitted correct
Sd. M. Venkatesa Iyengar
Dist.Magistrate.

P.W.5.

In the Court of District Magistrate, Tumkur District.
Deposition sheet of Mr. T. S. Madhuranathan, Sub Inspector
of Police, Tumkur.

I was present at the public meeting that took place at Tumkur on 9-4-39, in front of the Town Co-operative Society building. The meeting took place between 7 and 8-30 P.M. About 100 persons were present. It was a mixed gathering including merchants and students. Mr. Ra-jagopalachar, Advocate and President of the Tumkur Town Congress Committee presided at the meeting. He spoke. After him Mr. Subramanya, accused, advocate, spoke in Kannada. I made notes of his speech. Ex.P6. is the note book in which I made the notes. Ex.P6(a) is the notes relating to the meeting. Ex.P6(b) is the portion relating to Mr. Subramanya's speech. I have made the notes as correctly as I could. Mr. Subramanya did say all that I have noted down as said by him. The notes are in English. The speech was rendered into English as it was being delivered; particular portions which I thought important were noted down verbatim in Kannada. Ex.P.7 is a copy of the notice relating to the meeting. It was given me by a member of the Police Staff. Satya-
(daffedar)
narayana Murthy/and daffedar K.L. Narasaiya and E. Deva-
raja Rao, Taluk Inspector also attended the meeting and took notes. That night after the meeting the notes were compared and a record of the proceedings made. Ex.P.5 is the record. Ex.P.5(b) is my signature put that day. I signed after verifying the contents of the record.

Read over and admitted correct.
Sd. M. Venkatesa Iyengar,
Dist. Magistrate, Tumkur.

27-4-39.

P.W.6.

In the Court of Dist.Magistrate, Tumkur District
Deposition sheet of K.L. Narasaiya, police daffedar,
Tumkur District Police Office.

I was present at the public meeting which took place
in front of the Town Co-operative Society building in
Tumkur on 9-4-39. I made notes of the proceedings.
Accused Mr. T. Subramanya spoke at the meeting. He spoke
in Kannada. Ex.P.8 is my note book in which I record-
ed the notes. Ex.P8(a) is the notes of the proceedings
of the meeting. Ex.P.8(b) is notes of what Mr. Subra-
manya said The notes are made in Kannada. They are
accurate as I could make them They contain what he said.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist.Magistrate.

P.W.7.

In the Court of District Magistrate, Tumkur District.
Deposition sheet of Mr. E. Devaraja Rao, Inspector of Police, Tumkur.

I was present at a public meeting which took place in front of the Town Co-operative Society building in Tumkur on 9-4-39. I took notes of the proceedings. Ex.P.9 is the note book in which I made the notes. Ex.P.9(a) is the notes relating to the meeting. Ex.P.9(b) is the notes of the speech delivered at the meeting by Mr. T. Subramanya, accused. Mr. T. Subramanya spoke in Kannada. I rendered the speech mentally into English and made the notes. Particular things that I thought were important were recorded verbatim in Kannada after the meeting was over and the other officers who took notes compared notes and compiled this report. I used the notes and dictated the notes of the speech. Ex.P.9(c) is my signature to the record which we submitted to the D.S.P. He has initialled it. (Further examination reserved)

Read over and admitted correct,
27-4-39. Sd. M. Venkatesa Iyengar,
Dist. Magistrate, Tumkur.
29-4-39 -

I know Mr. Subramanya accused. He is a very influential person in Tumkur, a leader of the bar and a forceful speaker. On that day, 9-4-39 his speech created considerable impression and was punctuated with cheers and loud applause and clapping of hands from time to time. I know one Mr. B. Mallappa referred to in Ex.P.5 - page 3. He is now a member of the Rep. Assembly. He became a member after the recent resignations of several congressmen from public bodies. I know Mr. Yajaman Siddappa, president of the Tumkur town Municipality. He became president after the death of Mr. C. Krishna Rao, Advocate. Mr. Siddappa is referred to in Ex. P.5. Mr. Krishna Rao died, I believe in February last. It was about February.

Read over and admitted correct,
Sd. M. Venkatesa Iyengar,
Dt. Magistrate

P.W.8.

In the Court of District Magistrate, Tumkur District.
Deposition sheet of Mr. C.T. Ramachandra Rao, Sub Inspector
of Police.

There is a gentleman of the name of Mr. H. Siddaiya in Shimoga. He is an advocate. He was prosecuted for an offence u/s 124-A of the I.P.C. before the District Magistrate, Shimoga. The Dist. Supdt. of Police filed the complaint on 7-4-39. The District Magistrate issued a warrant the same day, and the accused was arrested. On 9-4-39 the case was still going on. The judgment in the case was delivered on 24-4-39.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist. Magistrate.

47
P.W.9.

In the Court of District Magistrate, Tumkur District.

Deposition sheet of

Mr. Samuel David, Deputy Clerk, District
Board Office, Tumkur

I deal with some portion of the correspondence in the District Board office. Several members of the District Board of Tumkur have resigned their membership recently. We received resignations from Mr. Tharegowda and Mr. Henjerappa. These resignations were received through the officiating Secretary of the Mysore Congress (Accused objects stating that all this is irrelevant. ~~Ex. Public Prosecutor~~ states that it is relevant as showing the state of the public mind). I know the signatures of the members who resigned. I have seen them in District Board records. ~~The resignations are Ex. P.10 and Ex. P.11. Other members have also resigned. The resignations are Exs. P.12 to P.20. I know all these signatures. The endorsement 'accepted - H.V.' on them is made by the President of the District Board. I have been in the District Board Office in 10 years. There have not been so many resignations at one time on any occasion in the last ten years.~~

Read over and admitted correct
Sd M. Venkatesa Iyengar
Dist. Magistrate.

P.W.10.

In the Court of District Magistrate, Tumkur District.

Deposition sheet of Mr. Sivalingappa, Head Clerk, Town Municipal office, Tumkur.

I have lived in Tumkur for four years and been employed in the Municipality. Recently one member of the Municipality resigned his membership. The member's name is Mr. B.C. Nanjundiah. Ex.P21 is the letter of resignation. I know the signature. The letter bears the member's signature. Mr. C. Krishna Rao, advocate, was president of the Municipality till his death in about January last. Seven persons stood for election to the vacancy. Mr. Yajman Siddappa succeeded.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist. Magistrate.

Deposition sheet

of

Mr. B.C. Nanjundiah,
landholder, Tumkur.

P.W.11.

I was a member of the Tumkur town Municipality. I resigned the membership some time ago. Ex.P21 is the letter of resignation that I sent. I sent it in pursuance of the decision of the All-Mysore-Congress-Committee that congress members should resign from all local bodies.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar

DEPOSITION OF MR. G. RAJAGOPALACHAR, Advocate,
Tumkur.
P.W.12.

There was a public meeting in Tumkur town on 9-4-39 in front of the town co-operative society building. I presided at the meeting. There should have been some five hundred persons at the meeting. It consisted mostly of merchants and some boys and some students. The meeting was held to condemn the arrest of Mr. H. Siddaiya of Shimoga for an offence u/s 124-A I.P.C. Mr. Subramanya, accused, spoke on the occasion. He spoke in Kannada. I cannot now give the substance of the speech. If a record of the speech is shown I could say if it represents roughly the speech delivered by Mr. T. Subramanya that day. I see record Ex.P.5. Some of the things I can remember as said, others not. It would not be possible to say except sentence by sentence whether Mr. Subramanya spoke so or not. In regard to sentence marked Ex.P5.(1) for instance accused said, I believe, 'ಈ ರಾಜಕೀಯ ವ್ಯವಸ್ಥೆ' meaning this system of government' not the government. I remember very well because I myself said the same thing. In regard to Ex.P.5(2) I cannot say definitely what phrases were used. Similarly with regard to the rest of the speech.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist.Magistrate.

P.W.13.

Deposition sheet of MR. YAJAMAN SIDDAPPA, Cloth
Merchant, Tumkur.

I know Mr. C. Krishna Rao. He was president of the municipality of Tumkur before me. On his death I was elected. I was a president of the Tumkur Town congress committee. I am not now in that committee. I ceased about a month ago, resigned because I could not find time for this.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist. Magistrate.

28-4-39.

P.W.14.

Deposition sheet of MR. N. PUTTARANGASWAMI, Dist.
Supt.of Police, Kolar Gold Fields.

I was D.S.P. in Tuckur district till June 1938.
In November 1937 I launched a prosecution against
Mr. T. Subramanya, accused(accused objects to evi-
dence being let in regarding previous prosecution.
Public Prosecutor states that the reference is to a
previous speech to show intention, not to the previous
record and character of the accused). That was
with reference to a speech delivered on 26-10-37.
The speech is Ex.P22.

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,
Dist.Magistrate.

P.W.15.

Deposition sheet of Mr. M.S. RAMAIA, Sub Inspector
of Police, Gubbi.

I attended a meeting in Tumkur on 26-10-37 in which
Mr. T. Subramanya, accused delivered a speech. I took
notes. The note book is Ex.P23. now received(sealed)
from the First Cl.Magistrate, Tumkur. The speech of
Mr. Subramanya referred to is Ex.23(a).

Read over and admitted correct.

Sd. M. Venkatesa Iyengar,

Dist. Magistrate.

P.W.16,

Deposition sheet of MR. Y. KRISHNAMURTI RAO, Stenographer of the office of the Dist.Supt.of Police,Tumkur.

I am a graduate(B.A.) of the Mysore University and have passed the Senior Examinations in shorthand and typewriting. I have been a stenographer for four years. I attended a meeting at Tavarekere in Sira taluk on 26-8-39 at which Mr. T. Subramanya, accused, spoke. It was a public meeting. I attended another public meeting on 5-2-39 at Tumkur at which also Mr. T. Subramanya spoke. I took notes of the proceedings of what Mr. Subramanya said. He spoke in Kannada. The audience were composed of merchants, townmen and students in Tumkur, and villagers and local congress people at Tavarekere. I took the notes in Pitman's shorthand. The note book - Ex.P.24 contains the notes of both the speeches. Ex.P. 24(a) is one speech and Ex.P.24(b) is the other speech. The speeches were rendered into longhand from the notes and typed. Ex.P.25 and Ex.P.26 are the longhand notes. I rendered the Kannada speeches mentally into English and wrote down in shorthand. Some passages I wrote down in Kannada verbatim, i.e. passages which I thought important.

Read over and admitted correct

Sd. M. Venkatesa Iyengar,

Dist.Magistrate.

Q. You have heard the prosecution evidence. Do you wish to say anything?

I have not been able to understand what this clause means.

I refer to para 1 of Ex.P.5 - the Kannada proverb quoted therein

is a dignified one and means that to some truth is unpalatable.

In the same para there is a version of Sarkar standing (P.T.O.)

on one leg etc. What I said was గా ప్రతిష్ఠాంకి లేనందు మీరొక్క
ప్రతిష్ఠా దీర్ఘ రహితం అం పి రోజుల్లో చదివిన గ్రంథం
గ్రంథం అంత ప్రతిష్ఠా. ఈ దీర్ఘ రహితం కింద గ్రంథం
గా ఉండవలసి.

it means it shows our determination to reach our goal. The English rendering of the whole of my speech is bad. It would take pretty long time to draw the Court's attention to every sentence. It is enough for me to say that my speech does satisfy the requirements of section 124-A of the I.P.C. I have full confidence in this Hon'ble Court and I crave for Justice. If the Court were to come to the conclusion that I am guilty u/s 124-A I.P.C. in a prayerful mood I will receive the sentence/^{so} that my suffering and the suffering of my friends might convert H.H. the Maharaja and his ministers to our way of thinking. I appeal to H.H. the Maharaja of Mysore and his ministers through this Court to take note of the time-spirit and establish responsible government at once in the State which is the only remedy for all the unrest that is in the country today. I thank the Court for the speedy disposal of the case. I thank my friends for their sympathy. I thank Mr. E.V. Gopal Iyer for the parting gift he has given.

Mr. T. Subramanya spoke as follows:-

Government has arrested Mr. H. Siddiah. It seems to have gone mad. We do not know the Government is going to arrest all the leaders one by one before the Viduraswatha Sessions (cheers). Let them not think that we will stop our fight for responsible government by these arrests. They cannot be greater dunces if they think so. Mr. Siddiah must have made Government afraid because he is speaking on facts and figures -

We are going to condemn the present government as long as it exists.

We must put an end to this Government. This is what I and Mr. Siddiah are both saying.

Mr. Siddiah is a prominent patriot of self-sacrificing nature. The government were afraid to make any arrests from the last one year as they thought we were united. But the recent A.M.C.C. decision that all the congressites had to resign, showed that there were some who were not prepared to resign which showed them that Congress was weak. When Mr. H. Siddiah has resigned for the L. C. the members of the Tumkur Municipal Council have not resigned. They seem to be fond of the place which they occupy. They seem to feel that they are indispensable. They are thereby weakening the movement. It is the non-resignation of the members that has strengthened the hands of the Govt. and has emboldened the Govt. to make this arrest.

Firstly Mr. Ranga Iyengar who was a congress member and who stood on congress tickets for Municipal elections got defeated now enters by the back doors to the R. A.

Mr. B. Mallappa, native of Tumkur who is a Rs.O-4-0 congress member has also acted against congress discipline. By such men congress discipline gets weakened. He must hang down his head in shame. Congress is fighting for the descendants of Mallappa but also Dewan and his children. As they have gone against congress discipline the govt. has got emboldened to lay hands on Congress. Because these people have behaved so Govt. has arrested Siddiah and called him a traitor.

All the 65 lakhs of people of Mysore must become traitors. It is only then we get salvation

I have more bitter remarks, I do not know why they have not arrested me. Perhaps they will. It is far better to be in jail than live amidst the men like Yajman Siddappa. He is called Yajman Siddappa; he must have no respect hereafter. He was Tumkur Town Congress president. Congress directed its members to resign but Yajman Siddappa did not. Probably he does not live in Tumkur. Congress directed its members not to entertain Govt. servants. Mr. Yajman Siddappa instead of being model to others has given a tea-party to the Deputy Commissioner. He must not have done this. This is a disgrace to himself and his family. The Deputy Commissioner is my classmate and friend and I have no personal hatred towards him. But as a Government official I cannot entertain him. Yajman Siddappa had not the courage to openly invite his friends for a party got up in honour of Deputy Commissioner. From the point of view of Congress he is a traitor. In my present state of mind I feel inclined to criticise severely every one of those who has not yet resigned. Mr. Siddappa must apologize. The rest are in your hands. I do not know what the Government may do. They have refused electricity to Viduraswatha. This shows that the Government is prepared to resist the people's wish. We must oppose such a Govt. We must rush to jail and we must not give the Government any rest. There is in Mysore a class of people who are confirmed worshippers of Rising Sun. Every one of them is a Mir Sadak. They must be removed. Such men bring about disaster in the country.

All the leaders I hear are going to be arrested one by one. It is further learnt I may not be arrested. It does not matter because nothing depends on me alone. Nothing depends upon individuals. Some friend told me that he is greater than congress and that he would teach congress a lesson. Such men must go. From to-morrow I ask every one of you wherever you meet Mr. Yajman Siddappa to ask him to resign and give him no rest until he resigns (cheers). He thinks presidentship is

Why not he take a lesson from Mr. Krishna Rao's death. The presidentship may after all last for about 8½ months. Every one of you should teach Mr. Yajman Siddappa a good lesson. Once he took an oath to always wear khadi but when gave an entertainment to the Deputy Commissioner he went dressed with a laced turban. This shows that he has no determination. He is an Yajman of his community. Such a man is trying to destroy the congress union through selfishness. We must tell him to come to the right path and be a _____ and not a _____. Through this meeting I am meeting him to resign his presidentship.

the Representative Assembly.

It seems the Turuvekere member who resigned for the R.A. bemoaned and the Police have made him ^{to} give a petition that he was forced by the congressites to send the ~~resign~~ resignation application. Why should police do all these things? It is not the duty of the Police to go to the house of those who have resigned and make them take back their resignations, and say "Why do you resign? Do not do so. We will take you to Dewar and make you stand gaping while he is eating".

(cheers).

Mr. Siddiah has made sacrifice. He has been arrested. Before he went to jail he worshipped God and prayed to give him strength to fight for responsible Govt. Govt. may think that Mr. Gandhi has suspended all struggles in the Native State and therefore we would stop fighting also. In Mysore the Govt. seems to have started the fight. For this Sessions at Viduraswatha people from this place must attend in thousands. No one should retrace even one step. There we must give proper reply to Govt.

The people of Tumkur must be real Satyagrahis. You must have belief in Him - follow Ahimsa and have determination to fight till the end. If we have this determination we will not lose. If we are not united the Govt. will trample us. You must see that the Government is not in any way respected. You must not even respect the Govt. officers. One congress member gave a party at Nagavalli to the Dy. Commissioner, came back and told me that Rs.100 of ryots' money was wasted. By such participation of the villagers in the entertainment the govt. will be made to carry the impression the ryots are behind the govt. This is false.

The govt. is becoming selfish and taking action on those who fight for freedom. It is unnecessarily wasting poor man's money by increasing Police Force. In Secretariat all the leaders of the political movement have got big files in which very minute details are noted. Why are all these done? They are done just like a dying man struggling beating his feet -

and it is sure to die. The acts of repression that you are now witnessing are indications that death comes to this govt. soon. Government is also afraid. The Dewan and the Councilors are touring because they want to enlist the sympathies of the villagers and prevent them from joining the congress

but they do not see that they have been already won over by congress.

Kadaba Doddegowda was won over by Govt. which, at considerable cost, brought water to his tank from a distance of 20 miles. In this attempt hundreds of smaller ryots were affected prejudicially.

We must show the Govt. that the country is not formed by those people only who have big turbans and pot-bellied but poor people. We must see from this point of view Mr. Siddiah's arrest. We must bring down the dewan and councillor and make them sit where you are sitting and see that the people's representatives occupy the place which the dewan and councillors now occupy. The ryots are dying of hunger. How long can we bend? We cannot bend further. We must face this Govt. We must end it. We must take the reins of Govt. to our hands. The Govt. has no sense of shame or respect. The Govt. today is supported by these double-headed snakes who have not resigned. I do not care for this Govt. Tumkur Congress Committee is prepared to sacrifice its all to end this Government. Tumkur congress Committee wants to see that these men who have still not resigned do resign immediately. In Tumkur which gave birth to congress activities there must be no slackness (cheers). You must give support. With your support we will remove this Government in no time.

No. 1482/38-39
Enc. one *Gill.*

6942P

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore City, 8/5/1939 193

FROM

13/5

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore City.

11. 5. 1939

TO

The Additional Secretary to the Government of Mysore,
Bangalore.

SIR,

Government. Vs. T. Subramnyam.

I have the honour to submit my bill of remuneration in the above case for Rs 77/- as per the details enclosed and request favour of payment thereof at the early convenience of Government. A sum of Rs 77/- has been claimed by me but if the Government or the District Magistrate were to alter the amount to any other figure, such amount may be paid as may be deemed fit under the circumstances.

The bill has been sent for countersignature for appearance only to the learned District Magistrate.
I have the honour to be

S i r,

Your most obedient servant,

G. S. Doraswamy Iyer

Public Prosecutor,
Bangalore Division,
Bangalore.

Refce. para 17 of the notes.

This is a copy of his bill submitted to the D.P., *Chowdappa* Tunkur.

Receipt of the bill from the *Govt* B'lore may be awaited.

13/5

13-5-39

Particular

For professional services rendered Rs.

Expenses incurred as noted hereunder Rs.

Appearance and conduct of the ca

On, 27-4-1939

" 29-4-1939

" 2-5-1939

No.
Enc.

18-38.
one bill.

7136/P

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

Bangalore City, ... 18th M a y 1939 .

Law 130-38-6

FROM

G. S. DORASWAMY IYER, Esq., B.A., B.L.,

PUBLIC PROSECUTOR,

BANGALORE DIVISION, BANGALORE CITY.

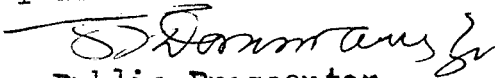
TO

The Additional Secretary
to the Government of Mysore,
Bangalore.

SIR,

Re: C.C.No.3/38-39 on the file of the District
Magistrate, Tumkur. (Government -Vs.-Subramaniam).

I have the honour to forward herewith my
remuneration bill in the above case duly counter-
signed by the presiding Judges for arranging pay-
ment thereof.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor,
Bangalore Division,
Bangalore.

SUBJECT

*Also
12/6*

Diary No. of letter replied to.....

General and Revenue Secretariat

() }
the 193 }

Section *Law*

File No. *130-38*

Serial No. *7*

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Date of issue *216/1939* *72. V*

Read—

(1) G.O. no. P-5660-63

Law 130-38-4 & 25-4-1939

Signed by *Mr. POKR*

*Sanctioning the Seru
of the Pub Pr, B-lor
Du for the conduct of
the prosecution on beh
of Govt in the case
Order thereon No. *against T.
Subramanya* for an
offence under Sectn 124-
I.P.C.*

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette,
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette,

*2) Correspondence endi
with letter no 1531/38-390
18-5-1939 from the P Pr
forwarding for sanction.*

for Rs 77/- for his services
cc 3/38-39 on the file of
in the case referred to

in the G.O. read above

O. No P6310-12 D. 2/1

Govt are pleased to

Sanction a fee of Rs 50,

(Rupees fifty only) to

the P.P.V. The expenditure

will be debited to the

provision under 18-con

of Law - 2 - Law Officer

fees to advocates" in

current year's budget.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

R e a d :-

Government Order No.P.5660-63/Law 130-38-4 dated 25th April 1939 sanctioning the services of the Public Prosecutor, Bangalore Division for the conduct of the prosecution on behalf of Government in the case against Mr.T.Subramanya for an offence under Section 124-A Indian Penal Code.

2. Correspondence ending with letter No.1531/38-39 dated 18th May 1939 from the Public Prosecutor forwarding for sanction a bill for Rs.77/- for his services in the case C.C.3/38-39 on the file of the District Magistrate Tumkur District referred to in the Government Order read above.

O R D E R No. *P6310-12 Law 130-38-7*
Dated Bangalore the ^{27th} 1st June 1939.

Government are pleased to sanction a fee of Rs.50/- (Rupees fifty only) to the Public Prosecutor. The expenditure will be debited to the provision under 18 Courts of Law - "2-Law Officers Fees & Advocates" in the current year's budget.

Ramakrishna

For General Secretary to Government

To

The District Magistrate, Tumkur District.
The Public Prosecutor, Bangalore Division with the bill.
The Comptroller to Government.